

AO 91 (Rev. 11/11) Criminal Complaint

Agent:

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## UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Jose Guadalupe CRUZ-PASTOR

I hereby certify that the foregoing is a certified copy of the original on file in this office.

Clerk, U.S. District Court  
Eastern District of MichiganBy: s/ Shelby Hicks  
Deputy

Case: 2:25-mj-30085

Assigned To : Unassigned

Assign. Date : 2/24/2025

Description: USA v JOSE

GUADALUPE CRUZ-PASTOR (SH)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 18, 2025 in the county of Oakland in the  
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a)

Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about February 18, 2025, in the Eastern District of Michigan, Southern Division, Jose Guadalupe Cruz-Pastor, an alien from Mexico, was found in the United States after having been denied admission, excluded, deported, and removed there from on or about February 5, 2024, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

☒ Continued on the attached sheet.

Complainant's signature

Sarah Soles, Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence  
and/or by reliable electronic means.Date: February 24, 2025

Judge's signature

City and state: Detroit, MI

Anthony P. Patti, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT**


I, Sarah A. Soles, declare the following under penalty of perjury:

1. I am a Border Patrol Agent with the United States Border Patrol and I have been employed in this capacity since June of 2009. Currently, I am assigned to the Marysville Border Patrol Station. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers to include Border Patrol Agents and record checks of law enforcement databases. I have also reviewed material from the official immigration file and system automated data relating to Jose Guadalupe CRUZ-PASTOR, which attests to the following:
2. Jose Guadalupe CRUZ-PASTOR is a twenty-four-year-old male, native and citizen of Mexico, who claims to have last entered the United States at or near El Paso, Texas, in September of 2024, without being admitted, inspected or paroled by an Immigration Officer.
3. On May 13, 2022, CRUZ-PASTOR was encountered by U.S. Customs and Border Protection Officers at the Eagle Pass International Bridge Port of Entry in Eagle Pass, Texas. CRUZ-PASTOR was served a Notice to Appear and was released on his own recognizance.
4. On August 10, 2022, CRUZ-PASTOR was arrested by the Columbia County Sheriff's Office in Georgia for driving without a valid driver's license. CRUZ-PASTOR was convicted of the charge on October 26, 2022, and fined \$705.00.
5. On May 17, 2023, CRUZ-PASTOR failed to appear for his immigration hearing in Charlotte, North Carolina, and was ordered removed in absentia by an immigration judge.
6. On October 2, 2023, CRUZ-PASTOR was arrested by Atoka Police Department in Atoka, Oklahoma, and charges were filed for possession of a controlled dangerous substance (cocaine), transporting opened container of intoxicating beverage and possession of a firearm by an illegal alien. ICE/ERO Tulsa placed an immigration detainer on CRUZ-PASTOR while he was in custody at the Atoka County Jail.


7. On October 4, 2023, CRUZ-PASTOR was convicted of misdemeanor possession of a controlled dangerous substance (cocaine), sentenced to a term of one year; misdemeanor transporting opened container of intoxicating beverage, sentenced to a term of six months; and misdemeanor possession of a firearm by illegal alien, sentenced to a term of one year. All terms of imprisonment were suspended.
8. On October 6, 2023, CRUZ-PASTOR was taken into custody by ICE/ERO Tulsa and processed for Bag and Baggage removal proceedings due to his final order of removal issued by the immigration judge in 2022. CRUZ-PASTOR was subsequently removed from the United States to Mexico on October 11, 2023, via the Laredo Columbia Bridge Port of Entry in Laredo, Texas.
9. On November 5, 2023, CRUZ-PASTOR was arrested by the U.S. Border Patrol near Laredo, Texas, after illegally entering the United States. CRUZ-PASTOR's order of removal was reinstated, and he was subsequently removed from the United States to Mexico on or about November 6, 2023, via Laredo, Texas.
10. On January 15, 2024, CRUZ-PASTOR was arrested by the U.S. Border Patrol near Deming, New Mexico, after illegally entering the United States. CRUZ-PASTOR's order of removal was reinstated, and he was subsequently removed from the United States to Mexico on or about January 15, 2024, via the Paso Del Norte Port of Entry in El Paso, Texas.
11. On February 4, 2024, CRUZ-PASTOR was arrested by the U.S. Border Patrol near Mescal, Arizona, after illegally entering the United States. CRUZ-PASTOR's order of removal was reinstated, and he was subsequently removed from the United States to Mexico on or about February 5, 2024, via the Nogales, Arizona.
12. On March 30, 2024, CRUZ-PASTOR was arrested by the U.S. Border Patrol near Santa Teresa, New Mexico, after illegally entering the United States. CRUZ-PASTOR was offered and accepted a voluntary return to Mexico. CRUZ-PASTOR returned to Mexico on that date via the Paso Del Norte Port of Entry in El Paso, Texas.

13. On February 18, 2025, Border Patrol Agents located CRUZ-PASTOR in the passenger seat of a vehicle that was travelling on the Chrysler Drive off ramp from Interstate 75, which is near Auburn Hills, Michigan. CRUZ-PASTOR told Border Patrol Agents that he last entered the United States in September, 2024, and that he paid a smuggler \$10,000 to guide him into the United States illegally, which included climbing the fence between the United States and Juarez, Mexico.
14. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
15. Review of records from the Alien File for CRUZ-PASTOR and queries in U.S. Department of Homeland Security databases confirm that no record exists of CRUZ-PASTOR obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his last removal on or about February 5, 2024.
16. Based on the above information, there is probable cause to believe that, on or about February 18, 2025, at or near Auburn Hills, in the Eastern District of Michigan, Southern Division, Jose Guadalupe CRUZ-PASTOR, an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about February 5, 2024, at or near Nogales, Arizona, and not having obtained the express consent from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission thereto; in

violation of Title 8, United States Code, Section 1326(a).

  
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Sarah A. Soles, Border Patrol Agent  
U.S. Department of Homeland Security

Sworn to before me and signed in my presence  
and/or by reliable electronic means.

  
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Honorable Anthony P. Patti  
United States Magistrate Judge

February 24, 2025